

Senate, Finance, Ways, and Means Committee Amendment No. 2 as amended

Amendment No. 2 to SB1994

Henry
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1994

House Bill No. 2074

AMEND Senate Bill No. 1994 / House Bill No. 2074 in Section 1, Title III-1, Item 2, of the printed bill by deleting the following sub-items:

2.1 District Attorneys General	\$ 42,348,600.00
2.3 Executive Director	1,109,000.00

and substituting instead the following:

2.1 District Attorneys General	\$ 42,328,600.00
2.3 Executive Director	1,129,000.00

AND FURTHER AMEND in Section 1, Title III-1, Item 3, of the printed bill by deleting the following sub-items:

3.1 Secretary of State	\$ 8,106,200.00
3.2 State Election Commission	934,500.00
3.4 Library and Archives	5,798,600.00
3.5 Regional Libraries.....	6,090,100.00

and substituting instead the following:

3.1 Secretary of State	\$ 6,527,700.00
3.2 State Election Commission	1,669,900.00
3.4 State Library and Archives	5,979,800.00
3.5 Regional Libraries.....	6,752,000.00

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AND FURTHER AMEND in Section 4, Title III-1, of the printed bill by deleting the following item and totals:

3.1 Secretary of State	\$	4,938,700.00
Total Department of State.....	\$	9,171,300.00
Total Title III-1	\$	125,868,400.00

and substituting instead the following:

3.1 Secretary of State	\$	6,303,700.00
Total Department of State.....	\$	10,536,300.00
Total Title III-1	\$	127,233,400.00

AND FURTHER AMEND in Section 1, Title III-2, of the printed bill by deleting the following items:

4.1 Executive Administration	\$	1,532,000.00
4.2 Human Resource Development		846,100.00
4.3 Technical Services		1,919,600.00

and substituting instead the following:

4.1 Executive Administration	\$	1,723,500.00
4.2 Human Resource Development		801,600.00
4.3 Technical Services		1,772,600.00

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AND FURTHER AMEND in Section 4, Title III-2, of the printed bill by deleting the following items:

3.1 Executive Administration	\$	695,800.00
3.2 Human Resource Development		1,759,500.00

and substituting instead the following:

3.1 Executive Administration	\$	610,300.00
3.2 Human Resource Development		1,845,000.00

AND FURTHER AMEND in Section 1, Title III-3, of the printed bill by deleting the following items and total:

1. Administration and Grants	\$	8,549,000.00
3. Market Development		2,288,600.00
4. Forestry Operations.....		15,615,100.00
Total Title III-3	\$	53,630,900.00

and substituting instead the following:

1. Administration and Grants	\$	8,683,000.00
3. Market Development		2,348,600.00
4. Forestry Operations.....		15,481,100.00
Total Title III-3	\$	53,690,900.00

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AND FURTHER AMEND in Section 4, Title III-3, of the printed bill by deleting the following items:

1. Administration and Grants	\$	4,722,000.00
4. Forestry Operations.....		7,441,800.00

and substituting instead the following:

1. Administration and Grants	\$	4,588,000.00
4. Forestry Operations.....		7,575,800.00

AND FURTHER AMEND in Section 1, Title III-8, of the printed bill by deleting the following item and total:

1. Administrative Services	\$	5,651,300.00
Total Title III-8	\$	30,975,500.00

and substituting instead the following:

1. Administrative Services	\$	4,151,300.00
Total Title III-8	\$	29,475,500.00

AND FURTHER AMEND in Section 1, Title III-10, Item 3.1, of the printed bill by deleting the following sub-items:

c. U.T. Municipal Technical Advisory Service		1,431,400.00
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d. U.T. County Technical Assistance Service..... 1,023,200.00

and substituting instead the following:

c. U.T. Municipal Technical Advisory Service 1,397,700.00

d. U.T. County Technical Assistance Service..... 1,056,900.00

AND FURTHER AMEND in Section 1, Title III-22, of the printed bill by deleting the following item and total:

11. Tennessee Preparatory School 3,042,400.00

Total Title III-22 \$ 260,094,400.00

and substituting instead the following:

11. Tennessee Preparatory School 1,792,600.00

Total Title III-22 \$ 258,844,600.00

AND FURTHER AMEND in Section 1, Title III-30, of the printed bill by deleting the following item and total:

4. Amortization of Authorized and
Unissued Construction Bonds..... \$ 37,595,000.00

Total Title III-30..... \$ 232,360,000.00

and substituting instead the following:

4. Amortization of Authorized and
Unissued Construction Bonds..... \$ 33,665,330.00

Total Title III-30..... \$ 228,430,330.00

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AND FURTHER AMEND the printed bill by inserting the following as a new section at the end of the bill, but before Section 56 of the bill as introduced, and by renumbering subsequent sections appropriately:

SECTION____. In addition to the appropriations made in Section 1 of this act there is hereby appropriated to the Department of Finance and Administration the sum of \$18,100,000 for capital maintenance and capital outlay which shall be in lieu of ten-year general obligation bonds recommended in the Budget Document.

There is further appropriated to the Department of Finance and Administration the sum of \$9,397,000 for capital maintenance and capital outlay which shall be in lieu of twenty-year general obligation bonds recommended in the Budget Document.

AND FURTHER AMEND in Section 2 of the printed bill by adding the following new item at the end of the section:

Item 15. The following capital outlay project is in addition to the projects listed on page A-133 of the 2003-2004 Budget Document:

State Veterans Home Board	
East Tennessee Veterans Home	<u>\$16,400,000</u>

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Federal Grant

\$10,660,000

Other Revenue

5,740,000

Funding for this project is a grant from the U.S. Department of Veterans Affairs
and matching funds from Knox County.

AND FURTHER AMEND by adding the following new items at the end of Section 8 of the
printed bill:

Item 51. To the Administrative Office of the Courts from the Tennessee
Judicial Information System Fund under the provisions of Tennessee Code
Annotated, Section 16-3-807.

Item 52. To the Tennessee Advisory Commission on Intergovernmental
Relations (TACIR) from the TACIR reserves authorized by Tennessee Code
Annotated, Section 4-10-107.

AND FURTHER AMEND in Section 10, Item 19, of the printed bill by deleting the amount
"\$29.00" in all three places of the item and substituting instead the amount "\$32.00" in all three
places; and in Section 12 by inserting the following appropriately numbered new item at the end
of Section 12:

Item _____. In addition to the funds appropriated to the Department of

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Correction in Section 1, Title III-7, Item 2, State Prosecutions, there is hereby appropriated \$3,267,000 for the purpose of making payments to counties for housing state prisoners as provided in Section 10, Item 19, of this act.

AND FURTHER AMEND in Section 11, Item 4, of the printed bill by designating the existing language as paragraph "(a)" and inserting the following as paragraph "(b)" of item 4:

(b) From the amounts herein appropriated to the Department of Education in Section 1, Title III-9, Item 2.1c, the Basic Education Program, the sum of \$27,243,100.00 is for the purpose of making distributions during fiscal year 2003-2004 to begin addressing further teacher salary equalization concerns identified in 2002 by the Tennessee Supreme Court in the case cited in paragraph "a" above. It is the legislative intent that these funds be distributed to increase average instructional salaries to a target of \$37,000, with an amount of approximately \$5.9 million of these funds dedicated to holding harmless school systems not receiving additional salary equalization funds under this appropriation. The Commissioner of Education, with approval of the Commissioner of Finance and Administration, shall distribute these funds separately but according to allocations determined utilizing the Basic Education Program funding formula. The Commissioner of Education shall report to the Commissioner of Finance and

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Administration and the chairmen of the Finance, Ways and Means committees and Education committees of the Senate and House of Representatives on the use each local education agency makes of the funds distributed for this purpose.

AND FURTHER AMEND in Section 12 of the printed bill by inserting the following appropriately numbered new items at the end of the section:

Item _____. The provisions of this item shall take effect upon becoming law, the public welfare requiring it. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to the Department of Finance and Administration for distribution to the appropriate entities for the sole purpose of implementing House Bill 2003 / Senate Bill 1931, HB 2007 / SB 1935, HB 2008 / SB 1936, HB 2009 / SB 1981, HB 2010 / SB 1980, HB 2011 / SB 1979, HB 2012 / SB 1978, HB 2013 / SB 1977, HB 2014 / SB 1976, HB 2015 / SB 1975, HB 2016 / SB 1974, HB 2019 / SB 1971, HB 2030 / SB 1960, HB 2032 / SB 1959, HB 2033 / SB 1958, HB 2036 / SB 1943, HB 2037 / SB 1944, HB 2038 / SB 1942, HB 2039 / SB 1941, HB 2040 / SB 1940, HB 2041 / SB 1939, HB 2042 / SB 1938, HB 2046 / SB 1950, HB 2050 / SB 1954, HB 2051 / SB 1955, HB 2054 / SB 1927, HB 2056 / SB 1929, HB 2057 / SB 1930, HB 900 / SB 588, HB 2073 / SB 1991, HB 2072 / SB 1992, HB 1650 / SB 1371, HB 1991 / SB 1874, if such bills become law. It is the legislative intent

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that if funding is earmarked for implementation in such bills that the funds appropriated in this item be reduced accordingly.

Item _____. In addition to the funds appropriated in Sections 1 and 4 of this act, the following amounts are appropriated to the specified programs for the purpose of restoring reductions and programs for which reductions were recommended in the 2003-2004 Budget Document, as specified in Volume 2, Base Budget Reductions:

(a) To the Comptroller of the Treasury, Division of County Audit, in Section 1, Title III-5, Item 5.4, for the purpose of decreasing the current services departmental revenue estimate from counties by an offsetting amount, \$1,950,000 (operational reduction 2).

(b) To the Corrections Institute in Section 1, Title III-2, Item 2.6, for travel, \$33,000 (operational reduction 2).

(c) To the Department of Veterans Affairs in Section 1, Title III-2, Item 6, for field services, \$238,400; it being the intent to keep the four field offices open and to authorize the six full-time positions for those offices (operational reduction 1).

(d) To the Board of Probation and Parole, Probation and Parole Services, in Section 1, Title III-23, Item 1, for staffing, \$1,466,200; it being the intent to restore 47 full-time positions affecting caseload and field support services

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(operational reduction 2).

(e) To the Department of Correction, State Prosecutions, in Section 1, Title III-7, Item 2, for Safekeepers, for the purpose of decreasing the departmental revenue from counties estimate by an offsetting amount, \$753,100 (operational reduction 3).

(f) To the Department of Health, Population-Based Services, in Section 1, Title III-16, Item 3.5, for the Epilepsy program, \$205,200 (operational reduction 7).

(g) To the Department of Human Services, Community Services, in Section 4, Title III-17, Item 3.1, for Adult Protective Services, \$741,000 from departmental revenue for the purpose of maintaining the program and 20 full-time positions (operational reduction 13).

(h) To the Department of Human Services, Vocational Rehabilitation, in Section 1, Title III-17, Item 4.1, the following:

(1) for six centers serving deaf and hard of hearing clients, including outreach and interpretive services, \$46,900 from state appropriations and \$173,100 from federal grant funds (operational reduction 10).

(2) for the Personal Care Assistance program serving individuals with severe physical disabilities, \$165,000 (operational reduction 11).

(3) for the Prevention of Blindness program, \$80,500 (operational

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reduction 3).

(i) To the Department of Childrens Services, Community Treatment Facilities, in Section 1, Title III-22, Item 10, for the community transition program, \$68,000 (operational reduction 8).

Item _____. In addition to the funds appropriated to the Judicial Department in Section 1, Title II, there is hereby appropriated an amount not to exceed \$838,600, of which \$736,600 is recurring and \$102,000 non-recurring, for the purpose of implementing Senate Bill 64 / House Bill 407, creating two criminal courts and one chancery court in Davidson County. This appropriation shall be effective only if Senate Bill 64 / House Bill 407 becomes a law.

Item _____. In addition to the funds appropriated in Section 1, Title III-6, Item 3, Wetlands Compensation Fund, there is hereby appropriated \$40,000 for the program. This appropriation shall be from the general fund only if the real estate transfer tax, effective July 1, 2003, is not apportioned by law to the Wetlands Acquisition Fund.

Item _____. In addition to the funds appropriated to the Department of Economic and Community Development in Section 1, Title III-8, Item 4, Tennessee Industrial Infrastructure Program, there is hereby appropriated \$1,500,000, which is a non-recurring appropriation.

Item _____. In addition to the funds appropriated to the Department of

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Children's Services in Section 1, Title III-22, Item 1, Administration, there is hereby appropriated \$79,100 for the purpose of establishing one (1) registered nurse position to provide oversight of pharmacy and medical services provided to children in child welfare programs and youth development centers.

Item _____. In addition to the funds appropriated to the Department of Children's Services in Section 1, Title III-22, Item 1, Administration, there is hereby appropriated \$195,000 for the purpose of establishing four (4) full-time positions for Title VI compliance issues affecting child welfare services and other departmental programs.

Item _____. In addition to the appropriations in Section 1 of this act, there is hereby appropriated \$3,500,000 from the real estate transfer tax, to be allocated to the following programs, as authorized by Tennessee Code Annotated Section 67-4-409, as amended by Senate Bill 1991 / House Bill 2073, if such bill becomes a law. This item is subject to said bill becoming a law:

- | | |
|--|-------------|
| (a) To the 1986 Wetland Acquisition Fund, | \$1,421,900 |
| (b) To the Local Parks Land Acquisition Fund, | \$765,600 |
| (c) To the State Lands Acquisition Fund, | \$656,300 |
| (d) To the Agricultural Resources Conservation Fund, | \$656,200. |

AND FURTHER AMEND by deleting Section 13 of the printed bill in its entirety and

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substituting the following as a new Section 13:

SECTION 13. The provisions of this section shall take effect upon becoming a law, the public welfare requiring it.

Item 1. There is hereby appropriated from the Reserve for Casualty Losses, established under the provisions of Tennessee Code Annotated, Title 12, Chapter 3, Part 9, the necessary funds for payment of losses sustained under the annual aggregate deductible authorized by said law. The Commissioner of Finance and Administration is authorized to transfer any amounts herein appropriated to the capital projects fund, general fund, highway fund or other fund.

Further, to the extent that appropriations are made from the Reserve for Casualty Losses in the fiscal year ending June 30, 2003, it is the legislative intent that said Reserve be established in the amount of not less than five million dollars (\$5,000,000.00), in addition to an amount necessary to fund any unpaid loss from a prior year. Sufficient funds are hereby appropriated to establish the Reserve in that amount.

The provisions of this item shall only be effective if SB 692 / HB 1994 does not become a law.

Item 2. For the fiscal year ending June 30, 2003, there is hereby appropriated from the Reserve for Casualty Losses, established under the provisions of Tennessee Code Annotated, Title 12, Chapter 3, Part 9, a sum sufficient for the purpose of funding any unpaid loss at June 30, 2003, said amount to be reserved and carried forward into fiscal year 2003-04.

For the fiscal year ending June 30, 2004, there is appropriated an amount not to exceed five million dollars (\$5,000,000.00) for the purpose of funding property insurance premiums assessed against state agencies and departments pursuant to SB 692 /HB 1994. The Commissioner of Finance and Administration is authorized to transfer this appropriation to the various state agencies and departments for purposes of payment of such premiums and to adjust federal and departmental revenues accordingly. There is further appropriated sums sufficient from dedicated and earmarked revenues to provide the comparable allocation of

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appropriations to those agencies and programs funded by dedicated and earmarked revenues.

The provisions of this item shall only be effective if SB 692 / HB 1994 becomes a law.

AND FURTHER AMEND in Section 29, Item 21, by adding a new second paragraph to read:

The following proposed capital outlay projects, to be funded from institutional and local funds, are in addition to those projects listed on pages A-139 and A-140 in the 2003-2004 Budget Document:

Austin Peay State University Memorial Health Center Student Recreation Upgrade	\$6,500,000
Middle Tennessee State University Student Health, Wellness and Recreation Facilities	\$17,500,000
Middle Tennessee State University Parking Master Plan Phase I	\$6,250,000

AND FURTHER AMEND in Section 36 of the printed bill by adding the following new items at the end of the section:

Item 29. To the District Attorneys General from revenues earned from the Department of Human Services for Food Stamp fraud prosecution activities, the unexpended balance of such funds, not to exceed \$100,000.

Item 30. To the Alcoholic Beverage Commission from the unexpended balance of departmental revenues of the alcohol server responsibility and training

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program authorized by Tennessee Code Annotated Title 57, Chapter 3, Part 7.

Item 31. To the District Attorneys General, Executive Director, an
amount not to exceed \$49,000, to be used for leased office space renovation.

AND FURTHER AMEND by deleting Section 39 in its entirety and substituting the following as
a new Section 39:

SECTION 39. The provisions of this section shall take effect upon becoming
law, the public welfare requiring it. There is hereby appropriated from departmental
revenues and federal aid funds the amounts hereinafter set out:

	<u>2002-2003</u>	<u>2003-2004</u>
Department of State		
1. Secretary of State	\$ 25,000	\$ 202,800
Commissions		
1. Tennessee Housing Development Agency	\$ 0	\$ 382,200
Education		
1. Technology, Infrastructure, and Support Systems	\$ 400,000	\$ 889,500
2. School Nutrition Programs	0	15,000,000
3. Special Education Services	20,000,000	40,000,000
Total Education	\$ 20,400,000	\$ 55,889,500
Labor and Workforce Development		
1. Tenn. Occupational Safety & Health Administration	\$ 330,000	\$ 330,000
2. Boilers and Elevators	0	351,300
Total Labor and Workforce Development	\$ 330,000	\$ 681,300
Health		
1. Maternal and Child Health	\$ 2,108,400	\$ 1,625,100
2. Communicable and Environmental Disease Services	919,900	6,853,300
3. Population-Based Services	50,000	50,000
4. Women, Infants, and Children (WIC)	4,872,300	4,872,300
5. Local Health Services	1,702,800	2,171,800

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Total Health	\$ 9,653,400	\$ 15,572,500
Safety		
1. Highway Patrol	\$ 75,000	\$ 300,000
TOTAL	\$ 30,483,400	\$ 73,028,300

The Commissioner of Finance and Administration is authorized to establish 32 full-time positions and to allocate them to the appropriate organizational units. At June 30, 2003, any unexpended balances of departmental revenues and federal aid funds appropriated in this section are hereby reappropriated in the fiscal year beginning July 1, 2003.

AND FURTHER AMEND in Section 41, Item 1, sub-item "(d)," of the printed bill by inserting the following between the semi-colon and the word "and": "provided that allotment of funds under this sub-item is subject to approval of the Commissioner of Finance and Administration".

AND FURTHER AMEND in Section 41, Item 1, of the printed bill by adding the following as a new sub-item "(e)" and by redesignating the existing sub-item "(e)" as "(f)":

(e) An amount up to but not exceeding \$85,500 to fund the administrative costs of the state employee sick leave bank administered by the Department of Personnel; and

AND FURTHER AMEND in Section 41, Item 7, of the printed bill by inserting the following at the end of the paragraph:

The Commissioner also is authorized to allocate a portion of the revenues collected to the appropriate organizational units and programs of state government

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and to adjust federal aid and other departmental revenue accordingly. Each allocation shall be a one-time incentive to maximize accounts receivable collections and shall be used to fund non-recurring items only.

AND FURTHER AMEND in Section 41, Item 27, of the printed bill by inserting the following words between the word "program" and the period at the end of the sentence: "and payments from the fund as provided by law".

AND FURTHER AMEND in Section 41 of the printed bill by adding the following appropriately numbered new items at the end of the section:

Item _____. In addition to the departmental revenues appropriated in Public Acts of 2002, Chapter 842, and in Section 4 of this act, there is hereby appropriated \$40,058,000 from federal homeland security grant programs, subject to the following provisions:

- (a) A sum sufficient of this federal revenue is hereby appropriated for expenditure in the year ending June 30, 2003, and the unexpended balance in the year ending June 30, 2004. The allotment of these funds is subject to approval of the Commissioner of Finance and Administration, and the distribution among state and local agencies shall be subject to approval of or under procedures of the state

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Homeland Security Council.

- (b) A portion of these federal funds may be used to establish three (3) regional offices and a total of nine (9) full-time positions for the regional offices, to provide oversight and technical assistance.
- (c) The Commissioner of Finance and Administration is hereby authorized to reallocate appropriations within the affected state agencies and to reallocate homeland security appropriations among the affected agencies for the purpose of providing the required state match to these and other federal homeland security and bioterrorism grants; to adjust position authorizations among affected departments, offices, and programs for that purpose; and to adjust federal and other departmental revenue estimates accordingly.

Item _____. In addition to the funds appropriated by this act in Section 1, Title III-2, Item 1.3, Office of Homeland Security, there is hereby appropriated an amount not to exceed \$250,000 for the purpose of establishing three additional positions and operational costs. To the extent possible, this appropriation shall be recovered from federal grant programs. The amount allotted from this appropriation shall be subject to approval of the Commissioner of Finance and Administration.

Item _____. From the appropriations in Public Acts of 2002, Chapter 842,

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and Sections 1 and 4 of this act, sums sufficient are appropriated for state agencies to pay the professional privilege tax levied in Tennessee Code Annotated, Title 67, Chapter 4, Part 17, on behalf of full-time state employees who are subject to the tax, as compensation in addition to such employees' other compensation. This item is subject to authorization of such payments in Tennessee Code Annotated, Title 67, Chapter 4, Part 17, as amended by Senate Bill 1991 / House Bill 2073, if such bill becomes a law.

Item _____. The appropriation in Section 1, Title III-2, Item 5.2, in the 2002 Appropriations Act is hereby transferred to the Miscellaneous Appropriations account. From this appropriation in the Miscellaneous Appropriations account in the general fund an amount not to exceed \$750,000 can be transferred to the Department of General Services, Division of Motor Vehicle Management, to offset the additional cost of administering the DUI Vehicle Confiscation Program. An amount not to exceed \$3,500,000 can be transferred to the Department of General Services, Division of Motor Vehicle Management, to provide additional funding for the purchase of new vehicles, and such transfer shall be based on the division's financial needs for new vehicle purchases.

Item _____. The appropriation made in Section 1, Title III-2, Item 5.2, in this act is hereby transferred to the Miscellaneous Appropriations account. From

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this appropriation in the Miscellaneous Appropriations account in the general fund an amount not to exceed \$719,100 can be transferred to the Department of General Services, Division of Motor Vehicle Management, to offset the additional cost of administering the DUI Vehicle Confiscation Program. An amount not to exceed \$3,500,000 can be transferred to the Department of General Services, Division of Motor Vehicle Management, to provide additional funding for the purchase of new vehicles, and such transfer shall be based on the division's financial needs for new vehicle purchases.

Item _____. Subject to the approval of the Commissioner of Finance and Administration any unexpended capital outlay current funds appropriated for benefit of the West Tennessee River Basin Authority may be transferred to the West Tennessee River Basin Authority Maintenance account.

Item _____. Subject to the availability of revenue, there is hereby appropriated a sum sufficient from the Tennessee Judicial Information System Fund established in Tennessee Code Annotated, Section 16-3-807, to the Automated Court System Hardware Replacement Loan Fund established in Tennessee Code Annotated, Section 16-3-1001. This appropriation is subject to approval by the Commissioner of Finance and Administration.

AND FURTHER AMEND in Section 43, Item 1, of the printed bill by deleting the words and

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figures "\$80,000,000 in 2002-2003 and \$80,000,000 in 2003-2004" and substituting in lieu thereof the words and figures "\$103,200,000 in 2002-2003 and \$104,585,000 in 2003-2004".

AND FURTHER AMEND in Section 43 of the printed bill by adding the following appropriately numbered items at the end of the section:

Item _____. The reserve for federal contingent liability shall be reduced from \$50,000,000 to zero to meet the requirements of funding the operations of state government for the fiscal year ending June 30, 2003.

Item _____. It is the legislative intent to fulfill the essential function and constitutional responsibility of state government to orderly close fiscal year 2002-2003. Under the provisions of Senate Bill 1991 / House Bill 2073, if such bill becomes a law, the Commissioner of Finance and Administration is authorized to deny carryforwards for and to transfer funds from the following enumerated funds, reserve accounts, or programs to the state general fund for the sole purpose of meeting the requirements of funding state government for the fiscal year ending June 30, 2003, according to the following schedule; and for that purpose such funds hereby are appropriated to the general fund:

- (a) From the Department of Transportation funds, in the highway fund or other funds, the sum of \$30,000,000 shall be transferred.
- (b) The reserve for revenue fluctuation shall be reduced by \$67,200,000.

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- (c) From the wetlands acquisition fund, local parks land acquisition fund, state lands acquisition fund, agricultural resources conservation fund, Department of Safety driver education fund and motorcycle education fund, Tennessee Advisory Commission on Intergovernmental Relations reserve, and used oil collection fund, an amount equivalent to a pro-rata share shall be transferred to the general fund for the remaining need to meet the requirements of funding the operations of state government for the fiscal year ending June 30, 2003. Pro-rata shares shall be determined by the Commissioner of Finance and Administration by comparing the uncommitted balances of each such enumerated fund, reserve account, or program with the total remaining need for closing the fiscal year. The uncommitted balances of the wetlands acquisition fund, local parks land acquisition fund, state lands acquisition fund, and agricultural resources conservation fund shall exclude the first ten thousand dollars (\$10,000) in each fund. It being the legislative intent to maintain a balance of not less than ten thousand dollars (\$10,000) in each of the four reserves.
- (d) From the other funds, reserve accounts, and programs enumerated in the bill cited in this item above, an amount equivalent to a pro-rata share shall be transferred to the general fund for the remaining need to

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meet the requirements of funding the operations of state government for the fiscal year ending June 30, 2003. Pro-rata shares shall be determined by the Commissioner of Finance and Administration by comparing the uncommitted balances of each such enumerated fund, reserve account, or program with the total remaining need for closing the fiscal year.

- (e) For any remaining requirement for closing at June 30, 2003, the reserve for revenue fluctuation shall be reduced.

Item _____. In the fiscal year ending June 30, 2004, subject to authorization in Senate Bill 1991 / House Bill 2073, if such bill becomes a law, or to authorization in other law, an amount of \$65,800,000 shall be transferred to the general fund from the Department of Transportation funds in the highway fund or other funds.

AND FURTHER AMEND in Section 48, Item 4, of the printed bill by inserting after the words and punctuation "local governments," and before the word "and" the following words and punctuation: "an increase in payments to Level I and Level II facilities to the 65th percentile,".

AND FURTHER AMEND the printed bill by inserting the following as a new section at the end

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of the bill, but before Section 56 of the bill as introduced, and by renumbering subsequent sections appropriately:

SECTION____. Other provisions of this act to the contrary notwithstanding, the general assembly recognizes that extraordinary actions by the Commissioner of Finance and Administration may be required to achieve the overappropriation level provided herein, to manage the base budget reductions reflected in this act, and to fulfill the constitutional duty of state government to orderly close fiscal year 2003-2004. It, therefore, is the legislative intent that the Commissioner of Finance and Administration be authorized to defer and reduce expenditures and otherwise effect savings of funds appropriated herein; provided, however, that the authority granted by this section shall be exercised only insofar as permitted by law and in accordance with applicable law.

Provided, further, that the general assembly recognizes that, to accomplish such purposes, the Commissioner of Finance and Administration, with approval of the Governor, acting pursuant to Tennessee Code Annotated, Section 9-4-5111, may be required to establish allotment reserves in making the original allotments of funds appropriated herein and that such allotment reserves may be withheld from agency allotments throughout fiscal year 2003-2004 to the extent necessary to achieve such purposes.

Senate, Finance, Ways, and Means Committee Amendment No. 2 as amended

Amendment No. 2 to SB1994

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